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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,615	01/22/2004	William Wesley Jenkins	CCS-101/Clarity CSI Audio	5029
32205 7590 02/20/2007 CARMEN B. PATTI & ASSOCIATES, LLC ONE NORTH LASALLE STREET 44TH FLOOR CHICAGO, IL 60602			EXAMINER WIN, AUNG T	
			ART UNIT	PAPER NUMBER
			2617	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/762,615

Applicant(s)

JENKINS ET AL.

Examiner

Aung T. Win

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 and 44-47 is/are pending in the application.
- 4a) Of the above claim(s) 31-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 44-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claims 44 & 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 44 and 45 recites "**first visual indicia** associated with one of the certain pals represents **more than one message** waiting for the one certain pal". The applicant is required to specify the drawing, page, column or line number, which support the claims' limitations. Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 4-6, 10, 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (US 20040224678A1) in view of Peltonen (US006393274B1).

1.1 Regarding Claim 1, 5, 6, 14 & 15 Dahod discloses Push-to-talk (PTT) communication method by PTT mobile terminal by setting up PTT voice communication link [See Figures] [Paragraph 0028 & 0029]. The method comprises

PTT mobile terminal's user requests to send a voice message [sender request signal indicating the user wants to transmit voice message to the receiving PTT mobile terminal: 0019, 0028] [Media Gateway or Media Server: 0032];

Encoding the audio input from the user for further transmission to the network [0027];

Storing the transmitted voice message [0028];

Forwarding the stored voice message to the receiving PTT mobile terminal [0029]. Dahod does not explicitly teaches that indicator represents the instruction as claimed.

Peltonen discloses delayed delivery voice message method comprising

Requesting the delayed delivery voice message by selecting the appropriate menus or by dialing called party voice mail number for indicating the network that the caller is not placing a real time voice call regardless of the availability of the called party [Column 4, Line 30-67] [Also see indicating signal: Column 8, Line 40-Column 9, Line 40], and

Storing the voice message in the voice mail server (claimed communication server) for later retrieval by the called party.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify the Dahod's PTT call set up method with delayed delivery

voice message method as taught by Peltonen to implement the claimed delivery voice message method. One of ordinary skill in the art at the time of invention of made to do this to provide improved caller controlled voice communication method.

1.2 Claim 10 is an apparatus claim rejected for the same reason as stated above in Claim 1 rejection because claimed means substantially read on the corresponding method of Claim 10.

1.3 Regarding Claim 4 & 13, modified method teaches processing calls based on different indicators [See Peltonen invention].

2. Claims 2, 3, 11 & 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (US 20040224678A1) in view of Peltonen (US006393274B1), further in view of Mathis (US 20030119540A1).

2.1 Regarding Claims 2, 3, 11 & 12, modified method does not explicitly disclose claimed determining step of sensing receiving terminal availability status.

Mathis discloses PTT mobile terminal storing presence information status for each receiving terminals [See Figures] [Paragraph0013, 0015, 0017]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made further modify the method in determining the receiving user presence status information as claimed. One of ordinary skill in the art at the time of invention of made to do that to

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provide user with receiving presence terminal status for initiating alternate communication method.

3. Claim 7-9, 16-18 rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (US 20040224678A1) in view of Peltonen (US006393274B1), in view of Iyer et al. (US 20050143056A1).

3.1 Regarding Claims 7 & 16, modified method teaches all limitations in Claim 1 but does not explicitly teaches a first alert as claimed.

Iyer discloses that PTT mobile terminal in which the terminal notifies the user that the receiving terminal is not available [Paragraph 0051]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify Dahod's PTT method to provide the caller the receiving user availability alert as taught Iyer and to initiate the delay delivery voice method as claimed i.e., leaving a voice message. One of ordinary skill in the art at the time of invention of made to do this to avoid continuous attempts to initiate real time voice call.

3.2 Claims 8 & 17 are rejected for the same reasons as stated above in Claims 7 & 16 rejections. It is obvious to skill in the art the modified method teaches claimed feature because PTT communication session is set up only for predetermined time.

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3.3 Regarding Claims 9 & 18, modified method teaches second alert i.e., prompting user to leave a voice message, which is different from conventional PTT alert tone [Iyer: 0051].

4. Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (US 20040224678A1) in view of Isaacs et al. (US20020034281A1), further in view of Eason et al. (US006999566B1).

4.1 Regarding Claim 19, Dahod discloses PTT wireless mobile terminal and method for storing transmitted PTT audio message as voice mail message [See Claim 1 rejection]. Dahod also teaches the sending PTT terminal receives the status of stored voice mail message notification from communication server indicating if the stored message is delivered, listened to, discarded, etc. [0044 & 0045]. Dahod fails to teach claimed display step.

Isaacs discloses the mobile terminal message status display method by continuously updating the message status with message pending status indicator and message received status indicator [Abstract] [0013].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the Dahod's PTT wireless mobile terminal as taught by Isaacs's PTT display method to provide message status display method as claimed. One of ordinary skill in the art at the time of invention of made to do this to

provide improved communication method with message status notification display in order for the sending users to monitor transmitted stored voice mail messages.

Modified method fails to disclose PTT terminal of sender is configured to request for accessing stored voice message.

Eason discloses voice messaging system and method wherein the terminal of message sender is configured to request to view pending stored voice messages or request to delete pending stored voice messages intended for receivers [Figure 5] [Summary].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made further modify Dahod's terminal of sending users to access pending transmitted stored voice mail messages (i.e., pending voice mail messages) as claimed. One of ordinary skill in the art at the time of invention of made to provide improved communication method by enabling the sender to delete the unheard pending message intended for receiving users [Eason: Column 1, Line 23-49].

4.2 Claim 22 is an apparatus claim rejected for the same reason as stated above in Claim 19 rejection because claimed means substantially read on the corresponding methods of Claim 19.

4.3 Claims 20 and 23 are also rejected for the same reason as stated above in Claims 19 and 22 rejections. It is obvious to skill in the art that modified terminal teaches claimed method because modified terminal is configured for allowing the user

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to access voice message sent by the modified terminal as stated above in Claims 19 & 22 rejections. Retrieving voice messages is very known to skill in the art at the time of invention of made.

4.4 Claims 21 and 24 are also rejected for the same reason as stated above in Claims 19 and 22 rejections. It is obvious to skill in the art that modified terminal teaches claimed steps because modified terminal is configured for the user to access and delete voice messages sent by the user as stated above.

5. Claims 25-30, 44 & 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (US 20040224678A1) in view of Amin (US 006418307B1).

5.1 Regarding Claim 25, Dahod discloses PTT wireless mobile terminal and method for storing transmitted PTT audio message as voice mail message [See Claim 1 rejection]. Dahod also teaches the receiving PTT terminal receives the status of stored voice mail message notification from communication server indicating to accept, delete, listened to, etc. [0044 & 0045]. Dahod does not explicitly teaches claimed display step and retrieving voice message step. But, voice message notification display and voice message retrieving method is well known to one of ordinary skill in the art at the time of invention of made and it is expected in mobile terminal with voice messaging capability.

Amin discloses mobile terminals configured to continuously update and display pending voice message associated with calling party name or number be delivered to

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the user [Figure 2: Column 4, Line 28-Column 5, Line 5] and retrieving such pending voice messages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the Dahod's PTT wireless mobile terminal as taught by Amin display method to provide pending message information and retrieving message steps as claimed. One of ordinary skill in the art at the time of invention of made to do this to provide improved message retrieving and notification method by providing message status display at the mobile terminal.

5.2 Claim 28 is an apparatus claim rejected for the same reason as stated above in Claim 25 rejection because claimed means substantially read on the corresponding methods of Claim 28.

5.3 Claims 26 and 29 are also rejected for the same reason as stated above in Claims 25 & 28 rejections. It is obvious to skill in the art that modified terminal teaches claimed method because modified terminal is configured for allowing the user to access their voice message by the modified terminal as stated above in Claims 25 & 28 rejections. Retrieving voice messages is also known to skill in the art at the time of invention of made.

5.4 Claims 27 and 30 are also rejected for the same reason as stated above in Claims 19 and 22 rejections. It is obvious to skill in the art that modified terminal

teaches claimed updating steps because modified terminal is configured to display the pending voice messages information associated to the users.

5.5 In light of 112 first rejection, Claims 44 & 45 are also rejected for the same reason as stated above in Claims 25 and 28 rejections. Official notice is taken that such claimed display feature is well known to one of ordinary skill in the art at the time of invention of made.

6. Claims 46 & 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahod (US 20040224678A1) in view of Mathis (US 20030119540A1), further in view of Amin (US 006418307B1).

Regarding Claims 46 & 47, Dahod discloses PTT wireless mobile terminal and method for retrieving stored voice mail message for a user [See Claim 1 rejection] [0045].

Dahod does not explicitly disclose displaying to indicate claimed buddy's availability status.

Mathis discloses PTT mobile terminal display method for indicating updated presence information status for each receiving terminals [See Figures] [Paragraph0013, 0015, 0017]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made further modify the method in determining the receiving user presence status information as claimed. One of ordinary skill in the art at the time

of invention of made to do that to provide user with receiving presence terminal status for initiating alternate communication method.

Modified does not explicitly teaches display method to indicate incoming voice message. Voice message notification display and voice message retrieving method is well known to one of ordinary skill in the art at the time of invention of made and it is expected in mobile terminal with voice messaging capability.

Amin discloses mobile terminals configured to continuously update and display pending voice message associated with calling party name or number be delivered to the user [Figure 2: Column 4, Line 28-Column 5, Line 5] and retrieving such pending voice messages.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the Dahod's PTT wireless mobile terminal as taught by Amin display method to provide pending message information and retrieving message steps as claimed. One of ordinary skill in the art at the time of invention of made to do this to provide improved message retrieving and notification method by providing message status display at the mobile terminal.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

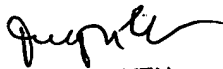
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aung T. Win
Group Art Unit 2617
February 12, 2007


DUC M. NGUYEN
SUPERVISORY PRIMARY EXAMINER
TECHNOLOGY CENTER 2600